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ESCANABA LICENSE CORP. 1101A Ludington Street Escanaba, MI 49829 (906) 786-1106

December 01, 1999

Magaline Roman Salas
Secretary
Federal Communications Commission
The Portals II
445 12th Street, SW
TW-A 325
Washington, D.C. 20054

RECEIVED
DEC - 3 1999
FCC MAIL ROOM

Dear Secretary Salas:

Attached, please find a signed original and five copies of a Petition for Rulemaking requesting allot FC Channel 260C2 (99.9 MHz) to the City of Cheboygan, Michigan.

Please direct this Petition to the Policy and Rules Division of Mass Media Bureau for processing

Thank you for your kind consideration of this request.

ESCANABA LICENSE CORP.

| BY: | | |
|-----|--------------------------|--------|
| | Lyle Robert President | Evans, |

ENC: Original and five copies of Petition For Rulemaking

No. of Copies rec'd O+U
List ABCDE

MMB

FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, D.C. 20554

| IN THE MATTER OF: |) | | _ |
|---|--------|----|---------------|
| AMENDMENT OF SECTION 73.202(B), TABLE OF ALLOTMENTS, |) | RM | RECEIVED |
| FM BROADCAST STATIONS. (CHEBOYGAN AND ROGERS CITY, MI |)) | | DEC = 3100= |
| TO: CHIEF, ALLOCATIONS BRANCH, POLICY AND RULES DIVISION, MASS MEDIA BUREAU | | | FCC MAIL ROOM |

PETITION FOR RULE MAKING

Escanaba License Corp. hereby Petitions the Federal Communications Commission in Washington, D.C., to commence a rule making proceeding to amend 47 Code of Federal Regulations \$73.202(b), Table of FM Allotments, to allot FM Channel 260C2 at Cheboygan, Michigan.

In order to accommodate the proposed allotment Escanaba License Corp. seeks to substitute Channel 292C2 for Channel 260C2 at Rogers City, Michigan and to modify the license of Station WHAK-FM, Rogers City to specify operation on Channel 292C2.

Escanaba License Corp. requests 47 C.F.R. \$73.202(b), Table of FM Allotments be amended in the following manner.

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| Community: | Existing: | Proposed: |
|-----------------|------------------------|------------------------|
| Cheboygan, MI | Ch. 286Cl | Ch. 286Cl Ch. 260C2 |
| Rogers City, MI | Ch. 244C2 Ch. 260C2 | Ch. 244C2 Ch. 292C2 |

In support of this Petition For Rule Making proposing allotment of FM Channel 260C2 (99.9 MHz.) to Cheboygan, Michigan, Escanaba License Corp., Petitioner, respectfully submits an Engineering Statement prepared by Lyle Robert Evans, Technical Consultant, attached hereto as Appendix 1.

Cheboygan, Michigan, population 5,264, per the 1994 updated Census, in Cheboygan County, population 21,398, per the 1990 Census, is an incorporated city.

Inasmuch as Cheboygan and vicinity residents shall be provided a second FM service for local self expression and program diversity, Escanaba License Corp. concludes its Proposed Rule Making in the Public Interest.

Allotment of FM Channel 260C2 to Cheboygan is in full accord with all applicable Commission Rules, Regulations and Assignment policy.

If the Commission goes forward to Amend 47 Code of Federal Regulations §73.202(b), to allot FM Channel 260C2 to Cheboygan, Escanaba License Corp. shall immediately file an Application For Construction Permit For Commercial Broadcast Station (FCC Form 301), to activate

FM Channel 232C2 as allotted.

Upon Commission "Grant" of such a Form 301

Application, Escanaba License Corp. shall promptly construct
and subsequently license the permitted facility.

Escanaba License Corp. certifies it shall reimburse Ives Broadcasting, Inc., licensee of Station WHAK-FM, Rogers City, Michigan for resonable expenses incured in modifying facilities to operate on FM Channel 292C2.

In accord with 47 Code of Federal Regulations \$1.52, I Lyle Robert Evans, President of Escanaba License Corp., hereby certifiy: To the best of its knowledge, information and belief it is true and correct, that there is good ground to support it, and that it is not interposed for delay, and that Ives Broadcasting Corp. is being served a copy of this Petition,

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Respectfully submitted,

ESCANABA LICENSE CORP.

December 01, 1999

BY: Lyle Robert Evans, President

Escanaba License Corp. 1101 Ludington Street Escanaba, Michigan 49829 (906) 786-1106

RULE MAKING PETITION; CONCLUDED

FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, D.C. 20554

ENGINEERING STATEMENT

IN THE MATTER OF:

AMENDMENT OF SECTION 73.202(B),)
TABLE OF ALLOTMENTS,
FM BROADCAST STATIONS,
(CHEBOYGAN AND ROGERS CITY, MI)

TO: CHIEF, ALLOCATIONS BRANCH, POLICY AND RULES DIVISION, MASS MEDIA BUREAU.

PREPARED FOR:

ESCANABA LICENSE CORP.

DECEMBER 01, 1999

PREPARD BY:

LYLE ROBERT EVANS
TECHNICAL CONSULTANT
2470 CROOKS AVENUE
KAUKAUNA, WISCONSIN 54130

(920) 766-0200

CHEBOYGAN, MICHIGAN
PROPOSED RULE MAKING
AMENDMENT OF 47 C.F.R. §73.202(b); TABLE OF FM ALLOTMENTS
FM CHANNEL 260C2 (99.9 MHZ.)
PETITIONER: ESCANABA LICENSE CORP.

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- 4. ATTACHMENT E-B; CHANNNEL 292C2 DISTANCE SEPARATION STUDY, Station WHAK-FM, Rogers City, MI licensed antenna/tower site coordinates.
- 5. ATTACHMENT E-C; CHANNEL 232C2 DISTANCE SEPARATION STUDY, Cheboygan, MI proposed restricted allotment coordinates.

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AFFIDAVIT

STATE OF WISCONSIN)

COUNTY OF OUTAGAMIE)

CITY OF KAUKAUNA)

LYLE ROBERT EVANS, BEING FIRST DULY SWORN STATES:

THAT HE IS AN ELECTRONIC COMMUNICATIONS TECHNICAL CONSULTATION WITH OFFICES AT 2450 CROOKS AVENUE, KAUKAUNA, WISCONSIN, 54130;

THAT HIS QUALIFICATIONS AS AN EXPERT IN ELECTRONIC COMMUNICATIONS ENGINEERING ARE A MATTER OF RECORD WITH THE FEDERAL COMMUNICATIONS COMMISSION IN WASHINGTON, D.C.;

THAT HE HAS PREPARED NUMEROUS AM, FM, MICROWAVE RADIO, TELEVISION AND TRANSLATOR APPLICATIONS WHICH HAVE BEEN PROCESSED TO GRANT BY THE FEDERAL COMMUNICATIONS COMMISSION:

THAT THE FOREGOING TECHNICAL REPORT WAS PREPARED BY HIM, AND ALL CALCULATIONS AND/OR MEASUREMENTS AND EXHIBITS IN THE ACCOMPANYING REPORT WERE MADE BY HIM PERSONALLY OR UNDER HIS DIRECTION, AND THAT ALL FACTS CONTAINED HEREIN ARE TRUE OF HIS PERSONAL KNOWLEDGE OR BELIEF, AND ON SUCH STATEMENTS MADE ON BELIEF, THEY ARE BELIEVED TO BE TRUE AND CORRECT.

LYLE ROBERT EVANS, AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS __O/_ OF December 1999

NOTARY PUBLIC

DATE OF COMMISSION EXPIRATION

5-28-2000

n Schneider

BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

IN THE MATTER OF:

AMENDMENT OF SECTION 73.202(B),) RM
TABLE OF ALLOTMENTS,)
FM BROADCAST STATIONS.)
(CHEBOYGAN AND ROGERS CITY, MI)

TO: CHIEF, ALLOCATIONS BRANCH,
POLICY AND RULES DIVISION,
MASS MEDIA BUREAU

ENGINEERING STATEMENT

This Engineering Statement concerns the above captioned Petition For Rule Making to which this Statement is Appendix 1.

Escanaba License Corp., Petitioner, retained the services of Lyle Robert Evans, Technical Consultant, to conduct engineering studies and prepare necessary Statements and Attachments to support the Petition For Rule Making of Escanaba License Corp. to amend 47 Code of Federal Regulations §73.202(b), Table of FM Allotments, to allot FM Channel 260C2 to the City of Cheboygan, Michigan as that community's second FM Broadcast transmission service.

The Cheboygan, Michigan Reference Geographic

Coordinates specified in the National Atlas of the United

States of America, published by the United States Department

of the Interior Geological Survey, are:

CHEBOYGAN, MICHIGAN PROPOSED RULE MAKING AMENDMENT OF 47 C.F.R. \$73.202(b); TABLE OF FM ALLOTMENTS FM CHANNEL 260C2 (99.9 MHZ.) PETITIONER: ESCANABA LICENSE CORP.

45°-38'-49" North Latitude, 84-28'-28" West Longitude.

Attachment E-A to this Engineering Statement, an FM Channel 260C2 Distance Separation Study with the Cheboygan, Michigan Reference Coordinates as base sets forth all FM Broadcast Station assignments, applications and allotments relating to an allotment of FM Channel 260C2 at Cheboygan with distance in kilometers and bearing in degrees True.

Attachment E-A displays a "Short-Spacing" to licensed FM Broadcast Station WHAK-FM, Rogers City, Michigan operating on FM Channel 260C2, FCC File Number: BLH-940509KD; and to a Channel 260A vacant allotment at Manistique, Michigan (MM Docket 97-89) with pending applications BPH-970925MY, BPH-970925MG and BPH-970922ME; and to licensed FM Broadcast Station CHAS-FM, Sault Ste Marie, Ontario, Canada operating on FM Channel 263C

To allot FM Channel 260C2 to Cheboygan, Michigan, Channel 292C2 must be substituted for Channel 260C2 at Rogers City, Michigan and the FM Broadcast Station License of Station WHAK-FM, Rogers City modified to specify operation on FM Channel 292C2.

CHEBOYGAN, MICHIGAN PROPOSED RULE MAKING AMENDMENT OF 47 C.F.R. §73.202(b); TABLE OF FM ALLOTMENTS FM CHANNEL 260C2 (99.9 MHZ.) PETITIONER: ESCANABA LICENSE CORP.

Attachment E-B to this Engineering Statement, an FM Channel 292C2 Distance Separation Study with Station WHAK-FM licensed (FCC File Number: BLH-940509KD) antenna/tower coordinates as base displays substitution of Channel 292C2 for Channel 260C2 at Rogers City in complete compliance with applicable minimum distance separation requirements.

To allot FM Channel 260C2 to Cheboygan, Michigan it is also necessary to restrict the allotment location 28.24 kilometers (17.55 miles) distant at a bearing of 108.9 degrees True from the Cheboygan Reference Coordinates, to: geographic coordinates 45°-33'-53" North Latitude, 87°-07'-54" West Longitude.

Attachment "E-C" to this Statement, an FM Channel 260C2 Distance Separation Study with the Cheboygan, Michigan illustrative, restricted allotment coordinates as base displays allotment of FM Channel 260C2 to Cheboygan in complete compliance with all applicable minimum distance separation requirements set forth in 47 Code of Federal Regulations, §73.207.

The F(50,50) 70.0 dBu (3.16 mV/m) predicted "Principal Community Contour" of a maximum facility Class C2

CHEBOYGAN, MICHIGAN PROPOSED RULE MAKING AMENDMENT OF 47 C.F.R. \$73.202(b); TABLE OF FM ALLOTMENTS FM CHANNEL 260C2 (99.9 MHZ.) PETITIONER: ESCANABA LICENSE CORP.

FM Broadcast Station (50.00 kilowatt ERP, 150 meter HAAT) extends a distance of 32.6 kilometers (20.26 miles).

Several ideal transmitter sites exist from which the requsite "Principal Community" coverage can be provided to the entire City of Cheboygan, Michigan

CONCLUSION

Allotment of FM Channel 269CC2 at Cheboygan, Michigan can be accomplished with the channel allotment plan proposed.

Only one channel substitution and a site restriction are required to allot FM Channel 260C2 at Cheboygan.

The Escanaba License Corp. proposed Amendment of 47 Code of Federal Regulations §73.202(b), Table of FM Allotments, shall provide residents of Cheboygan and vicinity a second wide area FM Broadcast service.

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CHEBOYGAN, MICHIGAN PROPOSED RULE MAKING AMENDMENT OF 47 C.F.R. \$73.202(b); TABLE OF FM ALLOTMENTS FM CHANNEL 260C2 (99.9 MHZ.) PETITIONER: ESCANABA LICENSE CORP.

Respectfully submitted,

Lyle Robert Evans Technical Consultant to: Escanaba License Corp.

December 01, 1999

Lyle Robert Evans Technical Consultant 2470 Crooks Avenue Kaukauna, Wisconsin 54130 (920) 766-0200

ENGINEERING STATEMENT; CONCLUDED

ATTACHMENT E-A CHEBOYGAN, MI REFERENCE COORDINATES

| REFERENCE 45 38 49 N 84 28 28 W | | Current - CHANNEL | CLASS C2 rules spa 260 - 99. | cings 9 MHz - | | DATA SEARCH | AY DATES 11-02-99 11-30-99 | |
|---------------------------------------|--|-------------------------------------|------------------------------------|-----------------------|----------------------------|----------------|----------------------------------|----|
| TYPE | CH# CITY LAT L | NG | | HT | D-Mi | R-Mi | (KM) | |
| WHAKFM | 260C2 Rogers 45 23 53 8 Ives Broadca | City 3 55 19 | MI 50.000 kW | 122.5 145 M | 51.27 31.9 | 190.0 118.1 | | 1. |
| DE260 DE | 260C2 Rogers 45 23 53 83 Bay-Lakes-Va | 3 55 19 | 0.000 kW | OM | 31.9 | 118.1 | | 1. |
| AD >Canadi | 260C1 Gullive 45 58 01 80 Bay-Lakes-Val an concurrenced by Canada | 5 29 18 lley Broad ce require | 0.000 kW casters d | ОМ | 99.8 | 139.2 | | 1. |
| AP CN | 260A Manist: 45 58 09 86 Philip J. Rob | 5 11 10 | MI 6.000 kW | 63M | 137.79 85.6 BPH97092 | 103.2 | -28.21 * | |
| DE | 260A Manisti 45 57 24 86 Bay-Lakes-Val | 5 14 48 | 0.000 kW | OΜ | 88.3 | 103.2 | | |
| \mathtt{AL} N | 260A Manisti 45 57 24 86 97-89 | 14 48 | 0.000 kW | OM | 88.3 | 103.2 | -23.99 * | |
| >Propos | ed as Class E uivalent-Acce | 31 to Cana | da 970304- | -Limite | | | | |
| >Effective 8-25-97 per D97-89 | | | | | | | | |
| AP CN | 260A Manisti 45 58 05 86 Roy E. Hender | 16 24 | | 100M | | 103.2 | -21.68 * | |
| AP CN | 260A Manisti 45 57 51 86 Noordyk, Todd | 16 37 | | 52 M | 144.49 89.8 3PH97092 | 103.2 | -21.51 * | |
| | 263C Sault S 46 30 33 84 | | | | 96.51 60.0 | | -9.49 * | |

CLASS C2

| CALL TYPE | CH# LAT | CITY LNG | | | | D-KM D-Mi | | |
|------------------|--------------------------|---|-------------------------|-------------------|-----------|------------------|--------------|-----------|
| | | Sault Ste 40 84 21 | | ON | 5.2 | 105.73 | 106.0 | -0.27 * |
| LI CN | 46 23 Algoma | Sault Ste. 48 84 23 Broadcast l Class Re | 52 26 ing Co. | 5.500 kW | 84M | 51.9 BLH6856 | 36.0 | 25.54 |
| CP VN >Vertic | 45 10 Superional Pola | Bear Creek 12 84 45 or Communi | 04 6 cations Only | 5.000 kW | 312M B | 35.6 PED96112 | 12.4 22MA | 991119 |
| >Accept | cea by (| Canada 980 | 513 - Sp | ecially | negotia | ated, sr | nort-sp | aced allo |
| WGRYFM LI ZCN | 44 34 | Grayling 15 84 41 Broadcast | 33 60 | 0.000 kW | 131M | 75.1 | 49.1 | 41.82 |
| | sed to (| Canada as compared by | Class C1 | . 950126 - | | | | Short-Sp |
| | 43 30 | Midland 56 84 32 Life Broad | 49 100 | .000 kW | 304M | 147.3 | 116.8 | 48.92 |

 The FCC database utilized in preparing this study does not display resolution of RM-9336. RM-9336 is not a concern of the Cheboygan, Michigan Channel 260C2 proposed allotment plan.

ATTACHMENT E-B WHAK-FM LICENSE COORDINATES

| 23 53 1 55 19 V | E N W | | Current - CHANNEL | CLASS C2 rules spa 292 -106 | acings .3 MHz - | | DISPL DATA SEARCH | AY DATES 11-02-99 111-30-99 |
|------------------------|---------------------------------------|--|--|--|----------------------------|-----------------------------------|-----------------------------|-----------------------------------|
| | | | IG | STATI PWR | HT | D-Mi | R-Mi | (KM) |
| AD >Canad | 45 23 Bay-La Bian cor | 3 53 83 akes-Val acurrenc | City 3 55 19 ley Broad ce require | MI 0.000 kW dcasters | 0.0 V OM | 0.00 0.0 | 190.0 118.1 | -190.00 * |
| WKPK LI CN | I 45 02 | 2 42 84 | 50 44 1 | MI .00.000 kW | 7 177M | 51.3 | 49.1 | 3.48 |
| AD >Upgra >CH264 | 44 39 D&B Br ide and C2 at E | 9 41 85 coadcast Substit Sear lak | 48 52 ing, LLC. ution. Pr e; Sub. C | MI 0.000 kW Topose chr Ch293A, ch | 0 0M ng site ng site | 105.7 RM and upgree to CH29 | 103.2 rade CH 92A for | 990526 261(3kW) |
| >Sub. | | cing s | ice to cir | 1204A TOT | WIAR at | . HOHOI, | MI; LO | C 16.2 Km |
| AL293 AL | 293C 44 59 | Lion's 00 81 | Head 15 00 | ON 0.000 kW | 101.5 OM | 214.93 133.6 | 209.0 129.9 | 5.93 |
| | | | | ON 0.000 kW | | | | 5.93 |
| >CANAD | IAN PRP | OSAL | | | | | | |
| | | | eninsula 15 00 | ON 0.000 kW | 101.5 OM | | | 5.93 |
| AL293 AL | 44 59 | 00 01 | | | | | | |

CLASS C2

| | CH# LAT | | | STATI PWR | | | | |
|-----------------|-----------------|----------------------|-----------------|--|----------------|-------------------|----------------|-------|
| >0ne - S | | roadcast lication | | Inc. Channel 29 | | BLH9710 | 27KH | |
| | 45 10 | 49 85 | 05 50 | MI 100.000 ki ing Compan | √ 272 M | 59.3 | 49.1 | 16.33 |
| AD293 AD N | 293C 44 45 | Wiarton 00 81 | 09 00 | ON 0.000 kV | 107.3 V OM | 229.81 142.8 | 209.0 129.9 | 20.81 |
| >CANAD | IAN PRO | POSAL | | | | | | |
| AL291 AL | 291B 46 15 | Espanola 00 81 | 49 00 | ON 0.000 kV | 59.1 V OM | 188.99 117.5 | 164.0 101.9 | 24.99 |
| LI CN | 43 28 F-B Co | 38 83 mmunicat | 57 00 cions, | MI 2.050 kV Inc. ct spaced al | V 116M | 132.7 BLH85040 | 103.2 04KP | |

The FCC database utilized in preparing this study does not display resolution of RM-9336. RM-9336 is not a concern of the Cheboygan, Michigan Channel 260C2 proposed allotment plan.

ATTACHMENT E-C CHEBOYGAN, MI RESTRICTED ALLOTMENT COORDINATES

l.

l.

1.

| REFERENCE 45 33 53 N 84 07 54 W | CLASS C2 Current rules spa CHANNEL 260 - 99. | cings | DISPLAY DATES DATA 11-02-99 SEARCH 11-30-99 |
|--|--|---------------------------------------|---|
| CALL CH# CITY TYPE LAT LNC | STATE PWR | BEAR' D-KM HT D-Mi | R-KM MARGIN R-Mi (KM) |
| WHAKFM 260C2 Rogers (LI CN 45 23 53 83 Ives Broadcast | City MI | 138.5 24.74 145 M 15.4 | 190.0 -165.26 * 118.1 |
| DE260 260C2 Rogers C DE 45 23 53 83 Bay-Lakes-Vall | City MI 55 19 0.000 kW ey Broadcasters | 138.5 24.74 0M 15.4 RM9336 | 190.0 -165.26 * 118.1 980626 |
| AD260 260C1 Gulliver AD 45 58 01 86 Bay-Lakes-Vall >Canadian concurrence >Accepted by Canada o | ey Broadcasters required | RM9336 | 224.0 -35.30 * 139.2 980626 |
| CHASFM 263C Sault St OP HN 46 30 33 84 | e Marie ON 19 30 6.800 kW | 352.0 106.02 32M 65.9 | 106.0 0.02 < 65.9 |
| AP260 260A Manistiq AP CN 45 58 09 86 Philip J. Robb | | 286.5 166.02 63M 103.2 BPH9709 | 166.0 0.02 < 103.2 25MY |
| ALOPEN 260A Manistiq AL N 45 57 24 86 97-89 >Proposed as Class B1 >the equivalent-Accep | 14 48 0.000 kW WO= 970825 to Canada 970304 | 0M 105.8 -Limited to 6k | 103.2 970925 |
| >Effective 8-25-97 pe | _ | ¥0 / | |
| | ue MI 14 48 0.000 kW ey Broadcasters | 285.6 170.21 OM 105.8 RM9336 | 103.2 |
| AP260 260A Manistiq AP CN 45 58 05 86 Roy E. Henders | 16 24 6.000 kW | 285.9 172.53 100M 107.2 BPH9709 | 103.2 |
| AP260 260A Manistiq AP CN 45 57 51 86 | | 285.7 172.69 52M 107.3 | 166.0 6.69 103.2 |

CLASS C2

| CALL TYPE | CH# LAT | CITY LNG | <u> </u> | | | | D-KM D-Mi | | MARGIN (KM) |
|------------------|----------------------------|---|------------------|------------|--------------|--------------|----------------------------|----------------|----------------|
| | | Sault St 40 84 | | .e | ON | 351.7 | 115.67 | 106.0 | 9.67 |
| CBCSFM OP CN | 260B 46 30 | Sudbury 14 80 | 58 04 | 50. | ON 000 kW | 65.7 112M | 266.20 165.4 | 237.0 147.3 | 29.20 |
| WATZFM LI CN | | Alpena 25 83 adio, In | | 17. | MI 000 kW | | 91.26 56.7 BLH8908 | | 33.26 |
| LI CN | 46 23 Algoma | Sault St 48 84 Broadca l Class | 23 52 sting | 26. Co. | 500 kW | 84M | 58.9 BLH6856 | 36.0 | 36.74 |
| WGRYFM LI ZCN | 44 34 | Grayling 15 84 Broadca | 41 33 | 60.0 | 000 kW | 131M | 118.96 73.9 BLH95071 | 49.1 | 39.96 |
| | sed to | Canada a cepted b | s Clas | s C1 9 | 950126- | -Specia | lly Nego | otiated | Short-Sp |
| WUGN LI CN | 43 30 | Midland 56 84 Life Bro | 32 49 | 100.0 | 000 kW | 304M | 143.0 | 116.8 | 42.09 |
| | | Bear Cred | | | | | | | |
| >Vertic | Superional Superional Pola | or Commun arization | nicati n Onlv | ons | | В | PED96112 | 22MA 9 | 991119 |
| | | | | | cially | negoti | ated, sh | ort-spa | aced allo |

The FCC database utilized in preparing this study does not display resolution of RM-9336. RM-9336 is not a concern of the Cheboygan, Michigan Channel 260C2 proposed allotment plan.